IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO: 15512 of 2005

Between:

Y. Chengama Naidu S/o Narisimhulu
APTWR. School, Jr. College (st Boys) Srisailam Dam East Kurnool District

..... PETITIONER

AND

1 The Member Secretary, A.P. Tribal Welfare Residential Educational

Institutional Society, T.S. Bhavan, Masab Tank, Hyderabad
2 The Chairman, A.P. Tribal Welfare Residential Educational

Institutional Society, T.S. Bhavan, Masab Tank, Hyderabad
3 The Joint Secretary APTWREIS, Masab Tank, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of Mandamus or any other appropriate Writ or order or direction declaring the impugned action of the respondents in not considering the petitioner's case for promotion to the post of Principal on par with his juniors w.e.f.22-07-2002 and the action of the 3rd respondent in rejecting to consider his case for promotion vide memo Dt.29-03-2005 as arbitrary illegal are in violative of principles of natural justice apart from violative of Article 14, 16 and 21 of the Constitution of India consequential direct the respondents to forthwith consider the case of the petitioners for promotion tot he post of Principal of par with his junior w.e.f.22-07-2002 with all consequential benefits, award costs.

Counsel for the Petitioner: MR.CH.SUDHAKAR BABU

Counsel for the Respondents: MR S.CHANDRAIAH

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner seeking a writ of mandamus declaring the action of the respondents in not considering the case of the petitioner for promotion to the post of Principal on par with his juniors who were promoted on 22-07-2002 and the action of the third respondent rejecting the case of the petitioner by proceedings dated 29-03-2005 as arbitrary, illegal and violative of the principles of natural justice, and consequently, sought for setting aside the same with a further direction to the second respondent who is the competent authority to consider the case of the petitioner for promotion to the post of Principal on par with his juniors.

2 . According to the petitioner, he was appointed as a TGT in Biological Sciences in the year 1986. He was transferred to A.P. Residential Schools, Srisailam. He was promoted as a Post Graduate Teacher on 19-06-1989 and posted at the A.P. Residential School, Srisailam. The services of the petitioner as PGT were regularized with effect from 03-08-1989. It is stated that after formation of the A.P. Tribal Welfare Educational Institutions Society in the year 1998, options were called for. The petitioner opted to the first respondent society and accordingly, proceedings were issued in the year 2001 by the first respondent. As the relieving orders were not issued for joining the first respondent-Society, thereafter, the petitioner requested for retaining in

APREIS. Accordingly, he was retained in the APREIS as per proceedings dated 09-05-2001 and informed him to submit his transfer application dated 10-05-2001. Accordingly, the petitioner was transferred and posted to the A.P. Residential School, Venkatagiri, Nellore District. It is stated that the petitioner's allotment to the APREIS was not cancelled. It is further stated that as per the seniority list dated 21-01-2002 communicated, the petitioner's name is shown at S.No.250 in the combined seniority list and in the first respondent-Society it is 14. Against the petitioner's name in the remarks column it was shown subject to the relief from APREIS and his joining in the first respondent-Society. Thereafter, it is stated that as per the directions for submitting the willingness, the petitioner has submitted his willingness, but his case was not considered for being promoted as a Principal. When a representation is made, the third respondent who is incompetent authority rejected the same. Hence, the present writ petition.

3 . Heard the learned counsel for the petitioner and the learned Standing counsel.

4. At the time of hearing, the learned Standing Counsel has fairly conceded that the third respondent is not the competent authority to consider the claim of the petitioner.

5. In view of the said representation, the impugned order of the third respondent is set aside, and consequently, the second respondent is directed to consider the claim of the petitioner as to the seniority as well as for promotion, and pass appropriate orders on the representation of the petitioner dated 08-01-2005 expeditiously.

6. The writ petition is accordingly disposed of. No order as to costs.

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S.ANANDA REDDY, J

18th July, 2005

SKM

Copy to:

1 The Member Secretary, A.P. Tribal Welfare Residential Educational

Institutional Society, T.S. Bhavan, Masab Tank, Hyderabad
2 The Chairman, A.P. Tribal Welfare Residential Educational

Institutional Society, T.S. Bhavan, Masab Tank, Hyderabad
3 The Joint Secretary APTWREIS, Masab Tank, Hyderabad

4 Two C.D. Copies.